



Queensland

# Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004

## Subordinate Legislation 2004 No. 178

made under the

*Appeal Costs Fund Act 1973*

*Births, Deaths and Marriages Registration Act 2003*

*Electoral Act 1992*

*Evidence Act 1977*

*Freedom of Information Act 1992*

*Integrated Planning Act 1997*

*Justices Act 1886*

*Justices of the Peace and Commissioners for Declarations Act 1991*

*Land Court Act 2000*

*Property Law Act 1974*

*Recording of Evidence Act 1962*

*Small Claims Tribunals Act 1973*

*State Penalties Enforcement Act 1999*

*Supreme Court of Queensland Act 1991*

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*Justice Legislation (Costs and Fees) Amendment No. 178, 2004  
Regulation (No. 1) 2004*

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**1 Short title**

This regulation may be cited as the *Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004*.

**2 Commencement**

This regulation commences on 20 September 2004.

**3 Subordinate legislation amended**

The schedule amends the subordinate legislation mentioned in it.



## **‘Schedule 3      Fees**

section 20

\$

1	Application to register a birth under—	
	(a) section 6(b)(ii) of the Act . . . . .	13.00
	(b) section 7(2) of the Act . . . . .	17.50
	(c) section 7(3)(b) of the Act . . . . .	13.00
	(d) section 9(3) of the Act . . . . .	3.40
2	Application to change a child’s first name under section 13 of the Act . . . . .	13.00
3	Application to register a change of name under section 16 or 17 of the Act . . . . .	86.00
4	Application to—	
	(a) note a change of name under section 20 of the Act . . . . .	25.00
	(b) reregister a birth or adoption under section 14(3) of the Act . . . . .	46.50
5	Application to—	
	(a) note a reassignment of sex under section 23 of the Act . . . . .	71.00
	(b) reregister a birth or adoption under section 14(2) of the Act . . . . .	71.00
6	Searching the index or register under 1 name, for each 5 year period or part of a 5 year period searched . . . . .	15.50
7	Application to correct an entry in the register under section 42(c) of the Act . . . . .	13.00
8	Application for—	
	(a) a certificate, extract or information under section 44(1)(a) of the Act . . . . .	24.50
	(b) a copy of a document under section 44(1)(b) of the Act . . . . .	38.00
9	Giving priority to—	

(a)	the issue of a certificate or extract . . . . .	18.50 (in addition to any other fee)
(b)	a search . . . . .	18.50 (in addition to any other fee)
10	Certifying a photocopy of information or a document. . . . .	38.00’.

## **Criminal Practice (Fees) Regulation 2000**

### **1 Schedule, items 1 and 4, ‘10.50’—**

*omit, insert—*

‘11.00’.

### **2 Schedule, item 2, ‘42.00’—**

*omit, insert—*

‘43.00’.

## **Electoral Regulation 2002**

### **1 Schedule 2, item 1, ‘9.80’—**

*omit, insert—*

‘10.00’.

- 2**     **Schedule 2, items 2 and 3, ‘299.00’—**  
*omit, insert—*  
‘305.00’.
- 3**     **Schedule 2, item 4, definition *additional applicable amount*, ‘\$23.75’—**  
*omit, insert—*  
‘\$24.50’.

## **Evidence Regulation 1993**

- 1**     **Section 2(2)(b), ‘\$31’—**  
*omit, insert—*  
‘\$31.75’.

## **Freedom of Information Regulation 1992**

- 1**     **Section 6(1), ‘\$33.50’—**  
*omit, insert—*  
‘\$34.40’.
- 2**     **Schedule, items 1 and 2, ‘\$5’—**  
*omit, insert—*  
‘\$5.10’.

## **Integrated Planning Regulation 1998**

### **1 Schedule 8—**

*omit, insert—*

### **‘Schedule 8 Court fees**

section 5A

		\$
1	Filing a notice of appeal . . . . .	32.00
2	Setting down an appeal for hearing . . . . .	60.00
3	Filing an application . . . . .	15.00
4	Sealing and issuing a subpoena . . . . .	15.00
5	Issuing a certificate on final judgment, order, finding or decision . . . . .	43.00
6	Filing an affidavit or deposition . . . . .	10.50
7	Filing exhibits mentioned in an affidavit or deposition and required to be filed—	
	(a) each exhibit . . . . .	2.30
	(b) maximum fee . . . . .	19.00
8	Sealing a document with the seal of the court . . . . .	28.00
9	Filing a copy of a notice of appeal to the Court of Appeal . . . . .	28.00
10	Filing a notice of withdrawal of an appeal . . . . .	15.00
11	Filing an authority to use a person’s name as a next friend . . . . .	15.00
12	Filing an appointment of an agent . . . . .	10.50
13	Filing a document for which no other fee is provided . . . . .	10.50
14	Issuing a copy of a record of the court or a document or exhibit filed in the registry—	
	(a) each page . . . . .	3.00
	(b) maximum fee . . . . .	45.00
15	Issuing a copy of reasons for judgment—each page . . . . .	1.70



		\$
16	Entering a judgment . . . . .	47.50
17	Filing an order on an application . . . . .	47.50
18	Opening or keeping open the registry after hours—	
	(a) on a Saturday, Sunday, public holiday or court holiday . . . . .	260.00
	(b) on any other day—	
	(i) before 8 a.m. or after 6 p.m. . . . .	260.00
	(ii) between 8 a.m. and 9 a.m. . . . .	125.00
	(iii) between 4 p.m. and 6 p.m. . . . .	125.00
19	Inspecting the record in an appeal or other proceeding .	11.00
20	Filing a document by leave of the court . . . . .	15.00
21	Posting a document—each document . . . . .	12.00
22	Attending a view—	
	(a) within 8 km of the court . . . . .	69.00
	(b) more than 8 km from the court . . . . .	125.00
23	Supplying a copy of a callover list . . . . .	11.00
24	Making an appointment for assessment of a costs statement. . . . .	32.50
25	Assessing a costs statement—for each \$100 or part of \$100 allowed. . . . .	9.00
26	Order for the amount assessed under a costs statement .	42.00’.

## Justices Regulation 1993

### 1 Schedule 3, items 1 to 6—

*omit, insert—*

‘1	Filing a complaint and summons under section 54(2) of the Act . . . . .	62.00
2	Filing a copy of a summons to a witness under section 78 or 83 of the Act . . . . .	11.50

3	Filing a copy of a complaint for the issue, under section 81 of the Act, of a warrant. . . . .	11.50
4	Issuing a decision, including a certificate of conviction or order. . . . .	9.20
5	Inspection of a record for a matter heard and determined—	
	(a) up to 4 years ago, for each record . . . . .	9.20
	(b) more than 4 years ago, for each record . . . . .	17.00
6	Supply of a copy of a record for a matter to which the <i>Recording of Evidence Act 1962</i> does not apply, for each page . . . . .	1.70’.

## **Justices of the Peace and Commissioners for Declarations Regulation 1991**

### **1 Section 16, table—**

*omit, insert—*

<b>‘Applicant</b>	<b>Fee</b>	
	<b>\$</b>	
1	An applicant currently holding office—	
	(a) as an appointed justice of the peace other than one mentioned in item 2; or	
	(b) as an appointed commissioner for declarations. . . .	21.50
2	An applicant currently holding office —	
	(a) as an appointed justice of the peace preserved in office under section 41 of the Act; or	
	(b) as a justice of the peace (commissioner for declarations) under section 42 of the Act . . . . .	29.50
3	An applicant not currently holding office as either an appointed justice of the peace or appointed commissioner for declarations . . . . .	82.00’.

**2 Section 17, table—**

*omit, insert—*

<b>‘Thing to be issued</b>	<b>Fee</b>
	\$
a certificate of registration under section 21(6) of the Act . . . .	8.20
a replacement seal of office . . . . .	15.50’.

**Land Court Regulation 2000**

**1 Schedule—**

*omit, insert—*

**‘Schedule Fees**

		section 3
		\$
1	Issuing a copy of a record of the Land Court or a document or exhibit filed with the registrar—for each page . . . . .	1.65
2	Issuing a copy of a transcript of a recording of a proceeding—for each page . . . . .	5.60
3	Binding appeal record books required by the Land Appeal Court—for each volume . . . . .	6.70
4	Serving a notice of appeal on the registrar of the Land Appeal Court . . . . .	116.00
5	Applying for a proceeding in the Land Appeal Court to be decided at another place . . . . .	166.00
6	Issuing a subpoena. . . . .	13.00’.

## Property Law Regulation 2003

**1 Schedule—**  
*omit, insert—*

### **‘Schedule Fees**

section 3

\$

- |   |   |         |
|---|---|---------|
| 1 | Lodging for registration, under part 18, division 3 of the Act, in the land registry of—                    |         |
|   | (a) an agreement in writing, deed, conveyance or other instrument affecting an estate in land; or           |         |
|   | (b) a will or devise affecting an estate in land; or  |         |
|   | (c) any other instrument, record or document. . . . .   | 45.60   |
| 2 | Photocopy of a document registered under part 18, division 3 of the Act . . . . .                           | 22.75   |
| 3 | In addition to the fee payable for a photocopy of a document mentioned in item 2—for certifying the copy. . | 22.75’. |

## Recording of Evidence Regulation 1992

**1 Schedule—**  
*omit, insert—*

**'Schedule****Fees**

section 3

		\$
1	For issuing a copy of a transcription, in printed form, of a record under the Act of a legal proceeding before the Queensland Industrial Relations Commission—	
	(a) first copy—for each page . . . . .	2.80
	(b) additional copy—for each page . . . . .	0.65
2	For issuing a copy of a transcription, in printed form, of a record under the Act of another legal proceeding—	
	(a) first copy—for each page . . . . .	4.80
	(b) additional copy—for each page . . . . .	0.65
3	For issuing a copy of a transcription, if available in computer disc form, of a record under the Act of a legal proceeding—for each disc . . . . .	23.50
	<i>(see note below)</i>	
4	For issuing a copy, if available in cassette tape form, of a record under the Act of a legal proceeding—for each tape	13.70

Note—Under section 3(4) of this regulation, a copy of a transcription of a record in computer disc form may be issued only with a copy of a transcription of the record in printed form.’.

**Small Claims Tribunals Regulation 1993****1 Schedule, items 1 to 4—***omit, insert—*

‘1	Small claim if the amount claimed is—	
	(a) under \$500 . . . . .	12.80
	(b) \$500 or more but under \$1 500 . . . . .	43.00

	(c) \$1 500 or more. . . . .	71.00
2	Application under the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 153(2) . . . . .	62.00
3	Application under the <i>Dividing Fences Act 1953</i> . . . . .	62.00
4	Tenancy application (other than an application under the <i>Residential Tenancies Act 1994</i> , section 150(2) or 188(b) <sup>1</sup> )—	
	(a) claim under \$500 . . . . .	12.80
	(b) claim of \$500 or more but under \$1 500 . . . . .	43.00
	(c) claim of \$1 500 or more . . . . .	71.00
	(d) if no money is claimed. . . . .	13.00

- 
- 1 There is no fee for applying under section 150(2) or 188(b) for recognition of a spouse as tenant or termination of a tenancy because of the other spouse's domestic violence.<sup>1</sup>.

## State Penalties Enforcement Regulation 2000

### 1 Sections 26A and 27, '\$75'—

*omit, insert—*

'\$76'.

### 2 Section 29, '\$44'—

*omit, insert—*

'\$45'.

## **Uniform Civil Procedure (Fees) Regulation 1999**

**1 Sections 6(a) and (b) and 7(a) and (b), '\$377.00'—**  
*omit, insert—*  
'\$385.00'.

**2 Sections 6(c) and 7(c), '\$112.00'—**  
*omit, insert—*  
'\$115.00'.

**3 Section 13(a), '\$27.50'—**  
*omit, insert—*  
'\$28.00'.

**4 Section 13(b), '\$55.00'—**  
*omit, insert—*  
'\$56.00'.

**5 Section 14(1), '\$165.00'—**  
*omit, insert—*  
'\$170.00'.

**6 Section 14(2)(a), '\$64.00'—**  
*omit, insert—*  
'\$66.00'.

**7 Section 14(2)(b), '\$87.00'—**  
*omit, insert—*  
'\$89.00'.

- 8 Section 14(2)(c), '\$108.00'—**  
*omit, insert—*  
'\$110.00'.
- 9 Section 14(2)(d), '\$126.00'—**  
*omit, insert—*  
'\$130.00'.
- 10 Section 14(2)(e), '\$148.00'—**  
*omit, insert—*  
'\$150.00'.
- 11 Section 14(3), '\$57.00'—**  
*omit, insert—*  
'\$58.00'.
- 12 Section 15(1), '\$172.00'—**  
*omit, insert—*  
'\$175.00'.
- 13 Section 15(2)(a), '\$42.50'—**  
*omit, insert—*  
'\$43.50'.
- 14 Section 15(2)(b), '\$20.50'—**  
*omit, insert—*  
'\$21.00'.
- 15 Schedules 1 and 2—**  
*omit, insert—*



## ‘Schedule 1      Fees payable in the Supreme Court and the District Court

section 3(1)

		Supreme Court	District Court
	<b>Originating process</b>		
1	(1) Filing any claim, including a writ in admiralty—		
	(a) if there is only 1 plaintiff and the plaintiff is an individual or if there is more than 1 plaintiff and all plaintiffs are individuals . . . . .	445.00	425.00
	(b) otherwise . . . . .	890.00	850.00
	(2) Filing any application, other than an application mentioned in item 2, that is an originating process—		
	(a) if there is only 1 applicant and the applicant is an individual or if there is more than 1 applicant and all applicants are individuals . . . . .	445.00	425.00
	(b) otherwise . . . . .	890.00	850.00
	(3) Filing any document initiating any appeal, including a case stated—		
	(a) if there is only 1 party initiating the appeal and the party is an individual or if there is more than 1 party initiating the appeal and they are all individuals . . . . .	445.00	425.00
	(b) otherwise . . . . .	890.00	850.00
	<b>Administration of estates</b>		
2	Filing—		
	(a) an application for probate or letters of administration . . . . .	445.00	not applicable

	<b>Supreme Court</b>	<b>District Court</b>
(b) an application for resealing probate or letters of administration under the <i>British Probates Act 1898</i> . . . . .	445.00	not applicable
(c) an application for an order to administer under the <i>Public Trustee Act 1978</i> . . . . .	445.00	not applicable
<b>Any other documents</b>		
3 (1) Application to the Supreme Court to be admitted under the <i>Legal Profession Act 2004</i> as a legal practitioner . . . . .	220.00	not applicable
(2) Filing or receiving any document not connected with a matter already on record and not otherwise provided for, including the filing or receiving of any document in the sheriff's office or marshal's office . . . . .	72.00	62.00
(3) If a fee is paid under subitem (2) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document.		
<b>Opening offices</b>		
4 Opening or keeping open the registry, sheriff's office or marshal's office after hours . . . . .	340.00	340.00
<b>Copies</b>		
5 For each page of an official copy of a record of the court or a document or exhibit filed in the registry, sheriff's office or marshal's office, including reasons for judgment—		
for each page . . . . .	3.00	3.00
maximum fee for each document . . . . .	45.00	45.00
6 (1) Sealing and certifying copy of any record of the court or any document or exhibit filed in the registry . . . . .	43.00	43.00
(2) This fee is in addition to the fee mentioned in item 5.		

		<b>Supreme Court</b>	<b>District Court</b>
	(3) This fee does not apply to sealing and certifying the original certificate of admission of a person as a legal practitioner under the <i>Legal Profession Act 2004</i> .		
7	(1) For an officer—		
	(a) to attend with a record or document at a court or place out of the court building; or		
	(b) to attend to examine a witness or an enforcement debtor away from the court building; or		
	(c) to attend a view out of the office; or		
	(d) to attend to the discharge of cargo; or		
	(e) to attend to the sale or removal of a ship or goods; or		
	(f) to attend to the delivery up of a ship or goods in accordance with the inventory—		
	for each hour or part of an hour . . . . .	71.00	71.00
	but not more than, for each day . . . . .	355.00	355.00
	(2) The reasonable travelling and other expenses of the officer are also payable.		
	<b>Public searches</b>		
8	(1) Searching the records, for each name or file .	11.00	11.00
	(2) Retrieval fee from State Archives, for each file . . . . .	11.00	11.00
	<b>Assessment of costs, other references, inquiries and accounts</b>		
9	Taking an account before the registrar—for each hour or part of an hour . . . . .	71.00	71.00
10	(1) Allowing a costs statement in whole or part under the <i>Uniform Civil Procedure Rules 1999</i> , rule 719(1)—for each hour or part of an hour . . . . .	71.00	71.00
	(2) Assessing a costs statement—for each \$100 or part of \$100 allowed . . . . .	9.00	9.00

		<b>Supreme Court</b>	<b>District Court</b>
<b>Miscellaneous</b>			
11	(1) *Drawing an advertisement . . . . .	94.00	94.00
	(2) Settling and executing any deed of transfer. .	94.00	94.00
	(3) Executing a commission of valuation or sale or valuation and sale of a ship in addition to any fee paid to the valuer or auctioneer. . . . .	94.00	not applicable
12	Certificate of registrar . . . . .	43.00	43.00
13	Copy of a callover list . . . . .	11.00	11.00
14	(1) Postal dealing fee for documents lodged for filing by post or requesting a search of the records by post—for each document filed or search requested. . . . .	18.50	18.50
	(2) Only 1 fee is payable under subitem (1) if several documents in the same proceeding are received for filing at the same time.		
	(3) Search fees payable under item 8 and filing fees payable under items 1, 2 or 3 apply in addition to the fee for subitem (1).		
15	Preparation and photocopying of documents for inclusion in appeal books—		
	(1) First copy, for each page . . . . .	1.70	not applicable
	(2) Additional copies to same party, for each page . . . . .	0.50	not applicable
	(3) Binding of appeal books, for each book . . . .	7.00	not applicable
<b>Enforcement officer's and marshal's expenses</b>			
16	*Any amount that the registrar, sheriff or marshal considers was actually and reasonably incurred for the following—		
	(1) each person left in possession;		
	(2) the securing and safe custody of property under seizure;		
	(3) (a) board and lodging;		
	(b) travelling expenses;		

		<b>Supreme Court</b>	<b>District Court</b>
	(c) clerical assistance at sales;		
	(d) advertising;		
	(e) if livestock levied—cost of food and removal to place of safekeeping;		
	(f) hire of transport, warehouses, yards;		
	(g) out of pocket expenses.		
<b>Poundage</b>			
17	(1) On enforcing each warrant or other process under, or because of which, an amount is received by the registrar or sheriff or by the enforcement creditor—2.5% of amount received, but not less than . . . . .	94.00	94.00
	(2) On enforcing warrant of possession—2.5% determined on annual rent or value, but not less than . . . . .	94.00	94.00
	(3) On the sale of a ship or goods sold by the marshal under a judgment or order of the court—2.5% of amount received by the marshal, but not less than. . . . .	305.00	not applicable
<b>Fees payable to enforcement officer, marshal or marshal's officer</b>			
18	(1) Service or attempted service or enforcement or attempted enforcement of any warrant, process or document—		
	(a) on each person or ship served and/or enforced. . . . .	67.00	67.00
	(b) for each additional process served and/or enforced if—		
	(i) 2 or more processes lodged at the same time against the same person or ship are served and/or enforced at the same time; or		

		<b>Supreme Court</b>	<b>District Court</b>
	(ii) 2 or more persons are served with the same process, the same proceedings are enforced against them, or at the same time and at the same address . . . . .	11.00	11.00
	(2) The fee is additional to any travelling fees.		
19	(1) Travelling fees on service or attempted service or enforcement or attempted enforcement of any warrant, process or document—for each km or part of a km after the first 8 km necessarily travelled from the court house to the place of service or enforcement (1 way) . . . . .	2.30	2.30
	(2) Only 1 travelling fee may be charged if—		
	(a) 2 or more processes lodged at the same time against the same person or ship are served and/or enforced at the same time; or		
	(b) 2 or more persons are served with the same process, the same proceedings are enforced against them, or proceedings enforced at the same time at the same address.		
20	(1) For time necessarily spent after the first hour on the following—		
	(a) service or attempted service or enforcement or attempted enforcement of any warrant, process or document;		
	(b) arranging or conducting an auction— for each hour or part of an hour . . . . .	15.00	15.00
	(2) If the enforcement officer is a full-time officer of the public service and performs a duty during normal working hours, the allowance is to be paid to the court.		
21	(1) Taking a person to prison or a place of detention from the place of arrest—for each km . . . . .	2.30	2.30

	<b>Supreme Court</b>	<b>District Court</b>
(2) Other unavoidable expenses involved in taking a person to prison or place of detention.		
22 Release of any ship, goods, or person from arrest (if actual attendance necessary) . . . . .	31.00	not applicable
23 (1) Retaining possession by the marshal or marshal’s officer of a ship, with or without cargo, or of a ship’s cargo without a ship—for each day . . . . .	10.50	not applicable
(2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable.		
(3) No fee is payable for the custody and possession of property under arrest—		
(a) if it consists of an amount in a bank or goods stored in a bonded warehouse; or		
(b) if it is in the custody of a custom house officer or other authorised person.		
* May be payable to the enforcement officer, marshal or marshal’s officer.		

**‘Schedule 2 Magistrates Courts fees**

section 5(1)

**‘Part 1 Court Fees**

\$

1 Filing claim—	
(a) if amount claimed is \$2 500 or less . . . . .	105.00

	(b) if amount claimed is more than \$2 500 but less than \$10 000 .....	154.00
	(c) if amount claimed is \$10 000 or more.....	164.00
2	Registering a judgment or order issued out of a court other than a State court or tribunal (including enforcement action taken on the judgment)—	
	(a) if amount claimed is \$2 500 or less.....	69.00
	(b) if amount claimed is more than \$2 500 but less than \$10 000 .....	69.00
	(c) if amount claimed is \$10 000 or more.....	74.00
3	Filing a minor debt claim—	
	(a) if amount claimed is \$2 500 or less.....	44.00
	(b) if amount claimed is more than \$2 500.....	75.00
4	Filing a document (other than a claim) to start a proceeding .....	69.00
5	Certifying a copy of an order or a copy of another document (other than a record under the <i>Recording of Evidence Act 1962</i> ) .....	18.00
6	Inspecting records in a proceeding—	
	(a) within 4 years of filing of claim (not payable by parties).....	9.20
	(b) more than 4 years from filing of claim (including parties).....	17.00
7	Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> —for each page .....	1.70
8	Poundage if an enforcement officer enforces an enforcement warrant or other process under, or because of which, money is received by the bailiff or enforcement creditor—5% on first \$200 and 2.5% on the balance (the first \$200 is to be paid to the bailiff) but not less than ...	43.00
9	Opening or keeping the registry open between 8 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. on a day other than a Saturday, Sunday, public holiday or court holiday .....	110.00
	<b>Assessment of costs</b>	
10	Making an appointment for directions or for assessment of a costs statement .....	32.50



11	Assessing the costs statement under the <i>Uniform Civil Procedure Rules 1999</i> , rule 719(1), wholly or partly—for each hour or part of an hour. . . . .	71.00
12	<p>(1) Assessing the costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i>, rule 719(1)—for each \$100 or part of \$100 allowed . . . . .</p> <p>(2) Subject to subitem (3), the fee mentioned in subitem (1) is—</p> <p style="margin-left: 20px;">(a) payable on the allowance of any amount on assessment; and</p> <p style="margin-left: 20px;">(b) to be fixed by the registrar; and</p> <p style="margin-left: 20px;">(c) to be paid by the solicitor or party suing in person.</p> <p>(3) The registrar may require a deposit on account of fees before assessment.</p> <p>(4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for assessment.</p> <p>(5) The registrar must make a note of the deposit on the costs statement.</p>	8.70
13	For an order for the amount assessed . . . . .	43.50

## **‘Part 2                      Bailiff’s Fees**

		\$
14	<p>(1) Travelling fees on serving claim, application, process or other document or enforcing warrant—for each km or part of a km necessarily travelled from the registry to the place of service or enforcement, or attempted service or attempted enforcement, one way in excess of 12 km from the registry. . . . .</p> <p>(2) Only 1 travelling fee is chargeable if—</p>	2.30

	\$
(a) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(b) 2 or more persons are served with the same process at the same time and at the same address.	
15 Serving (including attempting to serve) claim, application, subpoena or other process within 12 km of the registry—each person served. . . . .	32.00
16 Enforcing (including attempting to enforce) a warrant within 12 km of the registry—each bailiff . . . . .	47.00
17 If the bailiff collects and pays into court not less than 50% but less than 85% of the order debt due under the warrant—an additional fee . . . . .	15.00
18 If the bailiff collects and pays into court not less than 85% of the order debt due under the warrant—an additional fee . . . . .	30.00
19 Each bailiff left in possession—for each day, not more than . . . . .	68.00
20 If board and lodging are not supplied, actual and reasonable expenses incurred are at the discretion of the registrar.	
21 The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.	
22 No fee is payable for the custody and possession of property under seizure if the property is not kept in the actual possession of the bailiff.	
23 The following amounts are at the discretion of the registrar (if actually and reasonably incurred)—	
(a) travelling expenses for each person;	
(b) for clerical assistance at sales (if necessary);	
(c) for advertising;	
(d) the cost of feeding livestock, or removing it to a place of safe keeping;	

		\$
	(e) necessary assistance to the bailiff, or the expenses incurred by the bailiff (for example, hiring transport, warehouses and yards, out-of-pocket expenses (for example, postage and telephone calls)) in enforcing a warrant.	
24	A deposit on account of the fees applying to a proceeding under warrant may be required by the registrar before the proceeding is started, or at any time during the proceeding, and a record of the amount deposited is to be given to the party making the deposit.	
25	Drawing advertisement of sale (if the sale is under warrant for seizure and sale) . . . . .	60.00
26	If the advertisement is not drawn by the bailiff, the fee is to be paid to the court.	
27	Taking a person to prison or place of detention—for each km . . . . .	2.30
28	(1) Allowance for time spent after first hour on enforcement or apprehension—for each hour or part of an hour (payment is at the discretion of the registrar) . . . . .	15.00
	(2) If the bailiff is a full-time officer of the public service and performs the enforcement or apprehension during normal working hours, the allowance is to be paid to the court.’.	

## **Uniform Civil Procedure Rules 1999**

**1 Schedule 3, part 2—**  
*omit, insert—*



*Justice Legislation (Costs and Fees) Amendment No. 178, 2004  
Regulation (No. 1) 2004*

A	B	C	D	E	F	G
Under \$751\$	\$751 to	\$1 501 to	\$2 501 to	\$5 001 to	\$10 001 to	Over \$20 000
	\$1 500\$	\$2 500\$	\$5 000\$	\$10 00\$	\$20 00\$	\$

(including GST)

6 Counsel’s fees—

(a)	to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal . .	–	–	–	–	135.00	195.00	215.00
(b)	to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	–	–	–	–	82.00	120.00	130.00
(c)	to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	–	–	–	–	135.00	190.00	210.00
(d)	on conference, inspection of works or locus in quo, or a similar attendance that the magistrate or registrar is satisfied is reasonably necessary or proper—each hour	–	–	–	–	135.00	195.00	215.00
(e)	to advise on evidence or for any other opinion. . . . .	–	–	–	–	150.00	205.00	220.00
(f)	on trial or hearing (other than an application in a proceeding)—first day . . . . .	390.00	480.00	585.00	655.00	865.00	1 215.00	1 330.00
(g)	on each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified by the court) . . . . .	260.00	325.00	390.00	435.00	575.00	810.00	890.00
(h)	on each subsequent day of hearing not included in item 6(g)	130.00	160.00	195.00	220.00	290.00	405.00	445.00

*Justice Legislation (Costs and Fees) Amendment No. 178, 2004  
Regulation (No. 1) 2004*

A	B	C	D	E	F	G
Under	\$751	\$1 501	\$2 501	\$5 001	\$10 001	Over
\$751\$	to	to	to	to	to	\$20 000
	\$1 500\$	\$2 500\$	\$5 000\$	\$10 00\$	\$20 00\$	\$

(including GST)

(i)	if a proceeding is heard outside the town where counsel ordinarily practises, a further fee by way of out of chambers fee (not less than \$48.50 a day) may be allowed for each day it is not reasonably practicable for counsel to be in attendance at chambers for a total of at least 1 hour, between 8.30 a.m. and 5.30 p.m.							
(j)	on an application in a proceeding . . . . .	—	—	—	—	140.00	200.00	215.00
(k)	to hear deferred judgment . . . . .	—	—	—	—	71.00	100.00	115.00
7	Solicitor on hearing—							
(a)	appearance without counsel on hearing—first day . .	405.00	460.00	530.00	560.00	700.00	985.00	1 085.00
(b)	appearance without counsel on second and each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court) . . . . .	265.00	340.00	380.00	380.00	480.00	675.00	745.00
(c)	attendance of clerk with solicitor acting as advocate—each day . . . . .	41.50	51.00	64.00	195.00	220.00	220.00	220.00

Costs under item 7(c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.

*Justice Legislation (Costs and Fees) Amendment No. 178, 2004  
Regulation (No. 1) 2004*

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	A	B	C	D	E	F	G
	Under \$751\$	\$751 to	\$1 501 to	\$2 501 to	\$5 001 to	\$10 001 to	Over \$20 000
		\$1 500\$	\$2 500\$	\$5 000\$	\$10 00\$	\$20 00\$	\$
(including GST)							
8 On hearing with counsel—							
(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day . . .	175.00	215.00	245.00	280.00	345.00	485.00	535.00
(b) attendance of clerk with counsel—each day . . . . .	41.50	51.00	64.00	195.00	220.00	220.00	220.00
Costs under item 8(b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
9 Proof of damages (if the opposite party fails to appear, or fails to file a notice of intention to defend and defence—additional to costs for instructions to sue but including costs under item 3 or item 4)—							
(a) counsel’s fees (if no fee is payable under item (6)(f)) . . . . .	150.00	175.00	195.00	210.00	260.00	375.00	405.00
(b) solicitor for appearance without counsel. . . . .	150.00	175.00	195.00	195.00	240.00	335.00	370.00
10 Other applications to the court (other than an application for an adjournment) . . . . .	105.00	105.00	125.00	230.00	290.00	400.00	440.00
11 Instructions—							
(a) for disclosure preparing list of documents and making inspection and copies of documents—							
(i) allowance to party requesting disclosure . . . . .	49.50	83.00	105.00	170.00	220.00	255.00	280.00

*Justice Legislation (Costs and Fees) Amendment No. 178, 2004  
Regulation (No. 1) 2004*

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	A	B	C	D	E	F	G
	Under \$751\$	\$751 to	\$1 501 to	\$2 501 to	\$5 001 to	\$10 001 to	Over \$20 000
		\$1 500\$	\$2 500\$	\$5 000\$	\$10 00\$	\$20 00\$	\$
	(including GST)						
(ii) allowance to party making disclosure . . . . .	49.50	83.00	105.00	390.00	425.00	475.00	520.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories. . .	49.50	83.00	105.00	290.00	305.00	320.00	355.00
(ii) allowance to party answering interrogatories. . .	49.50	83.00	105.00	270.00	285.00	295.00	325.00
12 Enforcement hearing—							
(a) counsel's fees. . . . .	260.00	260.00	260.00	295.00	375.00	520.00	575.00
(b) if no counsel engaged	175.00	175.00	195.00	255.00	320.00	455.00	495.00
13 Enforcement warrant—							
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	49.50	49.50	57.00	115.00	145.00	205.00	220.00
(b) costs of registration of warrant against land.	49.50	49.50	57.00	115.00	145.00	205.00	220.00
14 Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return . . . . .	49.50	49.50	57.00	115.00	145.00	205.00	220.00
15 Applying for summary judgment or showing cause against a summary judgment application . . . . .	49.50	49.50	57.00	115.00	145.00	205.00	220.00



## ENDNOTES

- 1 Made by the Governor in Council on 9 September 2004.
- 2 Notified in the gazette on 10 September 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.